

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Claim Status/Amendments

Claims 1-6 remain pending in the application. These claims have been amended in manner which clarifies the claimed subject matter and which are deemed to obviate the issues which were raised under 35 USC § 112, second paragraph on page 2 of this Office Action.

Rejection of claims under 35 USC § 102

The rejection of claims 1, 2, 4 and 5 under 35 USC §102(b) as being anticipated by Doniger, 3892373, is respectfully traversed.

This rejection comprises a regurgitation of independent claim 1 and the indication that the content of this claim is disclosed (as best understood) in column 4 and lines 25-28 of column 5. This position is traversed.

In that the claims call for the determination of a width of the capture zone, it would be fully expected that the terms "width" and "zone" would appear in the cited text. An electronic search of the document indicates that the whole document is devoid of these terms. There also appears to be dearth of any disclosure which might use/disclose these concepts.

The Doniger reference is such as to disclose that an aircraft 2 is controlled by the system to capture an ILS glide path beam centerline 4 at a point A from either level flight below the centerline or from descending flight above the centerline. Aircraft 2 tracks beam centerline 4 from point A to a point B, and at point B, which is a predetermined altitude above a runway 6, a flare maneuver is engaged to control the craft to touchdown at a point C – see column 2, lines 38-47.

A further electronic search of the Doniger references reveals only two hits on the term "speed." One relates to the ground speed of the aircraft. The other relates to vertical hold speed and is listed with altitude as parameters relating to entry into an ILS glide path. Thus, the subject matter of claims 2 and 5, which call for the width of the capture zone to be determined

based on height (h) and the square of the speed (viz., v^2) are neither disclosed nor suggested.

In connection with the subject matter of claims 3 and 6, it is clear that there is no calculation disclosed or suggested which remotely approaches that based on the equation set forth therein.

The anticipation which is purported is submitted as being absent and the rejection is traversed.

Rejections under 35 USC § 103

The rejection of 3 and 6 under 35 USC §103(a) as being unpatentable over Doniger, 3892373, as applied above in further view of Lambregts et al., 5079711, is respectfully traversed.

First, these claims recite equations which are neither disclosed in or suggested by either reference. Further, Lambregts et al. is such that their disclosure pertains to systems for controlling aircraft vertical flight path and speed and for reducing throttle activity. More particularly Lambregts et al. relates to such a system in which net thrust and elevator position command signals are generated to reduce a total energy rate error and an energy rate distribution error to zero, and a gain programming factor is applied to reduce throttle activity and prioritize speed control or flight path control. While this may be used in the aircraft disclosed in Doniger, it fails to suggest that the flight patch calculations would be influenced by the controls suggested in Lambregts et al. and most certainly would not lead the person of ordinary skill to the claimed subject matter.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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KMB/KT/ser